

AFFIDAVIT OF BRUCE P. DOLINSKY

I, BRUCE P. DOLINSKY, do hereby depose and state as follows:

1. I am a current resident of Massachusetts and am employed as a consultant to John Hancock ; I also serve as a volunteer Board member for the Stoughton Youth Athletic Club (“STOYAC”), a duly registered not-for profit charitable organization and Massachusetts corporation pursuant to Section 501(c)(3) of the Internal Revenue Code with a current place of business located in Stoughton, Massachusetts; I have been serving as member of the Board since on or about 1992 and participated in STOYAC as a child.
2. In 1964, STOYAC was formed as a not-for-profit company, the goal of which was and continues to be to foster and promote decency in our community’s youth through all sports and physical cultures and to encourage athletic recreation of children throughout the community.
3. Since the formation of STOYAC, the company has provided numerous college scholarships to high school students, built and maintained athletic fields for children and has provided extensive donations and investments in the building of the children’s athletic, academic, and social community.
4. Over the years, the Company became popularly known throughout the community as the acronym of the registered name, “STOYAC”; the name was registered with the Secretary of Commerce of the Commonwealth of Massachusetts on April 3, 2002 with a registration number of 61370 and a statement of use of the Mark in commerce since 1964. (See a copy of the registration attached hereto as Exhibit “A”).

5. The term "STOYAC" has acquired secondary meaning in the immediate community and throughout most of New England; the Company has extensively marketed itself and its services as "STOYAC" to all current members and prospective members and participants.

6. On or about December 4, 2001, the Defendant, Rob Thornton, without any request for any permission from any agent, member or representative at STOYAC, purchased the domain name STOYAC.org (the offending domain name hereinafter referred to as the "ODN"). Mr. Thornton never attempted to contact anyone at STOYAC prior to the purchase.

7. Sometime thereafter, the Board of STOYAC requested a meeting with the Defendant to discuss his purchase of the domain name in addition to any potential business ventures.

8. Following the meeting, on behalf of STOYAC, I prepared a tentative agreement in which the Defendant would provide certain web site-related services including the management of a STOYAC-sponsored site located at the URL then owned by the Defendant, STOYAC.org.

9. Following my offer, the Defendant rejected the terms of the agreement. In response, the Defendant provided a counter-offer and alternative agreement, the terms of which the Board of STOYAC found unreasonable and summarily rejected; the Board then expressed its position that it was no longer interested in working with the Defendant in any business or other capacity.

10. Immediately following the Boards' rejection, the Defendant began publishing certain disparaging content about STOYAC on the web site located through the ODN. In particular, the Defendant accused STOYAC of nepotism and claimed that STOYAC had failed to file its financial statements in accordance with the law implying that STOYAC has deliberately misplaced funds and/or engaged in illegal activity. (See copy of screen shot of Site attached hereto as Exhibit "B").

11. The Defendant's Site also holds itself out as the "parents [sic] official [STOYAC] site" offering products for sale through the web site via credit card (See a copy of screen shot attached hereto as Exhibit "C").

12. Following the discovery of the various postings, members of the STOYAC Board requested that the Defendant cease engaging in the disparaging and untrue statements concerning the Company.

13. Following objections by STOYAC to the Defendant's actions, the Defendant proceeded to purchase the domains STOYAC.com and STOYAC.net (the additionally offending domain names "AODNs").

14. To date, the Defendant has posted no content at the URLs located at the AODNs, nor used them in any publicly available manner.

15. The purchase of the STOYAC domains has caused the Plaintiff immediate and irreparable harm in that STOYAC has been unable to create and publish web-based content and advertising through the use of its own name; moreover; the public is persistently deceived by the mis-publications posted at the ODN by the Defendant; the publications at the ODN mislead the public and all consumers as to the source of the

publications and web site; and, the goodwill and reputation, that the company took over twenty-five years to establish, has been permanently tarnished and damaged.

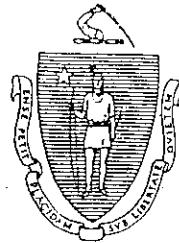
16. I also do hereby attest to the truth and accuracy of all exhibits attached to all papers included with the Preliminary Injunction matter.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY:



BRUCE P. DOLINSKY

## EXHIBIT A



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Corporations Division

#:61370  
Mark:STOYAC & LOGO

PM

Dear Registrant:

Enclosed please find an approved copy of your Trademark or Servicemark application. This certificate of registration will be effective for a period of ten (10) years from the date stamped on the back. The registration number, which appears in the top right corner of the front of the form, should be used when requesting information, copies, or notifying this office of an address change.

Within six (6) months of the expiration of your term of registration a notification will be sent to the last address of record. Notices will not be sent to the law firm which may have filed the original application.

The appropriate symbol to indicate state registration is "TM" or "SM". The symbol used for a federal registration is an "R" within a circle. This symbol may not be used unless you mark is registered with the Patent and Trademark Office in Washington, DC. For federal information and forms, call (703) 308-4357.

This office is not permitted to give legal advice regarding infringement of your Trademark or Servicemark. If you need information on name disputes or Trademark or Servicemark infringement, please consult an attorney.

Office of the Secretary of the Commonwealth  
One Ashburton Place  
Trademark Division  
Boston, MA 02108

**61370**

Fee: \$50.00

**The Commonwealth of Massachusetts**

William Francis Galvin  
Secretary of the Commonwealth  
One Ashburton Place, Boston, Massachusetts 02108-1512

**APPLICATION FOR REGISTRATION OF A SERVICE MARK**  
(General Laws, Chapter 110B, Section 2)

1. Name of applicant: *Stowerton Youth Athletic Club, Inc - STOWYAC*
2. (a) Principal business address: *58 CHAPMAN ROAD Stowerton, MA. 02072*
- (b) \*Business address in Massachusetts, if any:
3. State whether applicant is an individual, partnership, corporation, union or association: *CORPORATION*
4. If a corporation, the state of incorporation is: *MASS*
5. Describe mark: *KNIGHT HEAD WITH STOWYAC UNDERNEATH*
6. Describe the specific services in connection with which the mark is used: *STATIONERY, T-SHIRTS, HATS, ADVERTISING*  
*Youth Athletic Club*
7. Class No.: *41*
8. The mark is used by displaying it:
 

in advertisements of the service       in other fashions (explain):  
 on documents, wrappers, or articles delivered       in connection with the services rendered
9. Date of first use of mark by applicant or predecessor. If first use of mark was in Massachusetts, use the same date in both (a) and (b).
 

(a) Anywhere: *1964*  
 (b) In Massachusetts: *1964*
10. If either of the above first uses was by a predecessor of the applicant, state which use or uses were by a predecessor and identify that predecessor:
 

Name of applicant: *George STOWYAC*  
 State of: \_\_\_\_\_  
 County of: \_\_\_\_\_  
 Signature of applicant: *George L. Halinsky*  
 Title: *TREASURER*

Note: This document must be notarized - see reverse side.  
 \*Fill in only if principal business address is not in Massachusetts

George L. Dolansky, being duly sworn, deposes and says that he is the TREASURER of the above named applicant, that the statements contained in the foregoing statement are true and that he verily believes that said applicant is the owner of the mark sought to be registered and that no other person has the right in the Commonwealth of Massachusetts to use such mark either in the identical form thereof, or in such near resemblance thereto, as to be likely, when applied to the goods or services of such person, to cause confusion or to cause mistake or to deceive.

SUBSCRIBED and sworn to before me this 3rd day of APRIL, 2002.

Alan B. Hartline

(Notary Public)

\*Please print the name and address in the space provided below of the person to whom you wish this application to be sent.

CERTIFICATE OF REGISTRATION  
OF A SERVICE MARK

General Laws, Chapter 110B, Section 4

Filed with  
William Francis Galvin,  
Secretary of the Commonwealth  
and Secretary's Certificate of Record issued on



\*William Francis Galvin  
Secretary of the Commonwealth  
Trademark Section  
One Ashbutton Place, Rm. 1712  
Boston, MA 02108

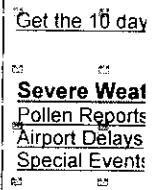


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CK # 4804

## EXHIBIT B

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[Stoyac](#)  
[Message Boards](#)  
[Basketball](#)  
[Softball](#)  
[Football & Cheerdancing](#)  
[Links](#)  
[Web Page](#)  
[Sponsors](#)  
[Pictures](#)

## STOYAC.org Stoughton Apparel

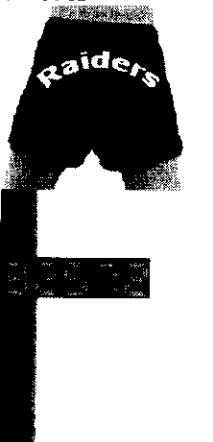
### NEW Team Bags



### Practice Jersey



### Soffe Cheer Shorts



## STOYAC Publicly Filed Financial Statements

Most recent STOYAC filed Financial Statement please click on the year to see that years statement. The statements are in Acrobat PDF file format.

All statements are filed at the Attorney Generals office in Boston. STOYAC is required to file financial Statements within 4 months of the close of their fiscal year which ends on December 31st of the calendar year.

[Click here](#)

Want  
current  
info

[\*\*Year Ending 2000 - Not Filed or Could not be found.\*\*](#)

[\*\*Year Ending 2001 - Filed\*\*](#)

[\*\*Year Ending 2002 - Not Filed or Could not be found.\*\*](#)



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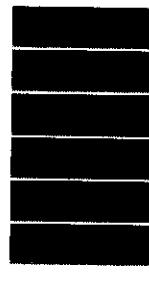
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## EXHIBIT C

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Stoyac  
 Message Boards  
 Basketball  
 Softball  
 Football & Cheerleading  
 Links  
 Web Mail  
 Sponsors  
 Pictures

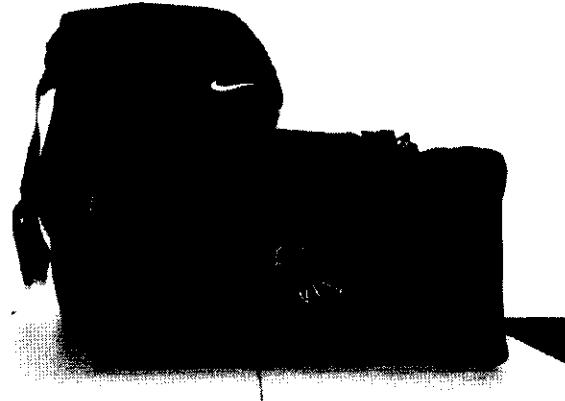
## STOYAC.org Stoughton Apparel

### NEW Team Bags



Practice Jersey

Soffe Cheer  
Shorts



*Click on picture to see  
detailed image*

### Stoughton Team Bags by Nike

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Want  
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- . 210 Denier nylon
- . Water-resistant
- . Oversized
- . Zippered main compartment for maximum storage
- . Zippered end pocket
- . Adjustable shoulder strap
- . Padded carry handles
- . Black Trim
- . Great for keeping your equipment organized

#### Team Styles available -

Stoughton **Baseball** with Crossed Bats Image  
 Stoughton **Basketball** with Basketball Image  
 Stoughton **Cheerleading** with Megaphone Image  
 Stoughton **Football** with Football Image  
 Stoughton **Softball** with Crossed Bats Image  
 Stoughton **Soccer** with Soccer Image  
 Stoughton **Tennis** with Crossed Rackets Image  
 Stoughton **Track** with Track Image  
 Stoughton **Wrestling** with Wrestling Image

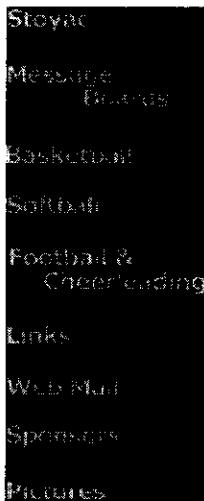
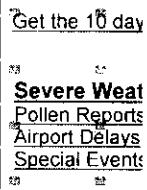
| Item  | Image | Order  |
|---|-------|--|
| <b>Sports<br/>Team Bags</b><br><b>\$29.99</b> |       | <b>Select Team Style</b><br><input type="button" value="Select your Sport"/> |

Size  
 21" x 11" x 11"



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Donation to the  
O'Donnell Middle  
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Fund

**O'Donnell  
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Fundraising  
Mall**

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## 2005 Basketball Standings [click here](#)

### Play-off Schedule Click

### 2005 STOYAC GIRLS SOFTBALL Tryouts

Get y  
[Click here](#)

Want to voi  
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March 20 2005  
High School Gym  
Peewee's 11:30 to 1:00  
Bantam's 1:00 to 3:00  
Seniors 3:00 to till



#### **SOFTBALL COACHES 2005**

**PEE-WEE'S 5 TEAMS 13 EACH**  
1 JEN CARRINGTON  
2 ELLIE MORRIS  
3 MARK BEAUREGAUD  
4 KEVIN DOHERTY  
5 SHEILA CAMPBELL



**10 TEAMS 13 EACH**  
1 ED HOFFMAN  
2 CHRIS MORSE  
3 SCOTT NOE  
4 DAVID CARPENTER  
5 PETER KALTSUNAS  
6 STEVE SULLIVAN  
7 ROB OLSEN  
8 TIM MANNING  
9 TOM HERR  
10 STEVEN ZUK



**6 TEAMS 13 EACH**  
1 BARBARA BATCHELDER  
2 MARK COLLING  
3 STEVE CERUTI  
4 GREGG MACHARDO  
5 PEGGY & DAVE BURESH  
6 FRANK GRAZIANO



Join the STOYAC Parents Committee by clicking [here](#).



**NEW**  
Team Bags



Practice Jersey



Soffe Cheer  
Shorts



Raiders



If you are concerned with any of the following STOYAC issues ? :

